

**COMMONWEALTH OF KENTUCKY
DEPARTMENT OF INSURANCE**

**AGENT LICENSING DIVISION
Treva W. Donnell, Director**

**AGENT
BUSINESS ENTITY RESIDENT AND NON-RESIDENT
LICENSING PROCEDURES AND INFORMATION**

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This document is for general information purposes only. It does not amend or precede provisions of the Kentucky Revised Statutes or Administrative Regulations. For more complete information, refer to the Kentucky Insurance Code.

The Kentucky Department of Insurance issues one license with several “lines of authority” to the agent. This one agent license lists all of the kinds of insurance that the agent is qualified to sell in Kentucky, which means the agent license may list any one or more lines of authority from either or both of the following lists:

- Casualty
- Health
- Life
- Personal Lines
- Property
- Variable Life and Variable Annuity

Or limited lines of authority

- Credit
- Crop
- Surety
- Travel

Further, this one agent license is the basis for appointments with all kinds of insurers that are approved to sell one or more of the lines of authority listed on the agent’s license.

Changes to the law in 2002 separated the agent license from the appointments. This means the **agent may hold a license without an appointment** as long as the agent fulfills any financial responsibility and continuing education requirements, confirms certain information at the time of license renewal, and pays the applicable license renewal fees. However, the **agent cannot exercise the license by selling, soliciting, or negotiating insurance, without an appointment with the insurer(s) he or she intends to transact business for.**

Exceptions to Agent License – Briefly, the requirement to be licensed as an agent does not apply to

- Employee of an insurer or an insurance producer under specific circumstances if the employee does not receive any commission;
- Individual who furnishes information to or helps enroll persons in group plans and does not receive any commission;
- Representative of an employer, association, or trust who is administering an insured benefit program for employees or members and who does not receive any commission, directly or indirectly;
- Employee of an insurer who classifies risks or supervises insurance producers and is not selling, soliciting, or negotiating insurance;
- Person whose multi-state, mass media advertisement is inadvertently distributed in Kentucky;
- Person whose activities involve a policy sold in another state if the policy just happens to cover risks in Kentucky; and
- Salaried full-time employee who advises the employer relative to the insurance and does not receive any commission.

Specific details of these limited exceptions are found in KRS 304.9-090.

Note: A business entity must have an agent license in order to receive commission either directly or indirectly.

WARNINGS

Notice of Action Against License – Every licensee must notify the Department of Insurance in writing within 30 days of initiation of

- **Disciplinary action** taken by any jurisdiction against the license or any other professional license; or
- **Criminal action** taken by any jurisdiction against the licensee.

Address Change or Name Change – Every licensee must notify the Department of any change in residence address, business address, or legal name within 30 days of the change. Agents, individual or business entity, surplus lines brokers, rental vehicle agents and managing employees, specialty credit producers and managing employees, reinsurance intermediary brokers, and reinsurance intermediary managers are subject to a penalty up to \$1,000 for failure to do so. Adjusters, administrators, life settlement brokers, life settlement providers, and consultants are subject to a penalty up to \$2,000 for failure to do so.

Address changes and name changes should be submitted through eServices secure account by clicking on eServices at <http://insurance.ky.gov> to set up a password protected account. (Moving from Kentucky to another state may require surrendering the resident license and applying for non-resident license. Also moving to Kentucky from another state may require surrendering the non-resident license and applying for a Kentucky resident license.)

Name changes for business entities should also be submitted through eServices, and resident licensee's changes will be verified on the Kentucky Secretary of State's Office web site.

Corrected License Certificate – Insurance law requires the license certificate contain the licensee's name, and city and state of principal place of business address. When this information is changed, the Department will mail a new license certificate to the licensee.

Change of Home State – A non-resident licensee who changes his or her home state to a state other than Kentucky must file a change of address **Form 8303** and provide a certification letter from the new home state within 30 days of the change. No fee or license application is required.

Loss of Home State License – A Kentucky non-resident license based on reciprocity will automatically terminate and must be surrendered to the Department of Insurance if the home state license terminates for any reason.

Change of Officers and Directors – The resident business entity agent must notify the Department of all changes among its members, directors, officers, or designated agents listed in its license application within 30 days of the change.

MISCELLANEOUS INFORMATION

Notice of Commissioner's Order – Every licensee is deemed to have received any notice or order of the Commissioner mailed to the licensee's address on file with the Department of Insurance.

Licensee's Office Open to Public – If Kentucky is the home state, the licensee is required to have and maintain an office in Kentucky that is accessible to the public and that is the place where the licensee principally conducts transactions under the license. This requirement does not prohibit the licensee from maintaining this office in the office of an insurer, in the office of the employer, or in the home of the licensee. (Kentucky is the home state if the licensee has a Kentucky resident license or has a Kentucky principal place of business and does not hold a resident license in another state.)

Display of License and Retention of Records – The license of all licensees must be conspicuously displayed in each Kentucky place of business in a location customarily open to the public. In addition, complete records of transactions under the license must be kept at the place of business for at least 5 years after completion of the purpose for which it was created. [KRS 304.9-390 and 806 KAR 2:070]

Service of Process – All non-resident licensees are deemed to have irrevocably appointed the Kentucky Secretary of State to receive service of process in any court action against the licensee arising out of transactions under the Kentucky license.

Designations – A licensed business entity can only exercise its license through a designated individual. Each designated individual has to hold the same kind of license as the business entity. Further, the designated individual may only exercise the business entity license for the lines of authority held in common by both the business entity and the individual. Designated individuals for resident business entity must hold active license and at least one active insurer appointment. A non-resident business entity may designate its first actively licensed designee without him or her being appointed with an insurer; however, any subsequent designees must be appointed with an insurer.

Each licensed business entity must file with the Department

- **Form 8305 – notice of the designation** of an individual within 30 days of the designation or termination of the designation;
- **Annual report** by January 31, each odd year, of all designated individuals whose designations are not terminated prior to January 1. (The Department will provide the format to be used for this report.)

Certification / Clearance Letter from Kentucky Department of Insurance – If an applicant for a license in another state holds or has held a Kentucky resident license, the other state may require a letter from the Kentucky Department of Insurance. A certification letter states that the license is active and in good standing in Kentucky (needed to license a Kentucky resident licensee as a non-resident licensee in another state). A clearance letter states that the former licensee was in good standing at the time the Kentucky license terminated (needed to license a former Kentucky resident licensee as a resident licensee in another state). Kentucky has

combined these two letters:

- If the license is active, the letter will serve as a certification letter for the current license activity; and
- If the license is no longer active, the letter will indicate the last date of license and the date it became inactive, thus serving as a clearance letter.

Each letter must be requested online at <http://insurance.ky.gov>. Click eServices to set up a password protected account and complete the Certification/Clearance Letter Request Form. Complete the licensee's full name, identification number (the licensee's Social Security number, Federal Employer Identification Number, or Department of Insurance identification number), and type of letter needed. Also, the licensee must indicate where the processed paperwork should be mailed by providing the correct address on the request. Fees may be paid by credit or debit card online, or make check payable to the "Kentucky State Treasurer" in an amount of \$5 for each letter requested. The fee must be included with the request.

Certification / Clearance Letters to Kentucky Department of Insurance – Kentucky no longer requires a letter (only verification through the NAIC Producer Data Base) from the other state if the applicant for a Kentucky license holds or has held a resident license in the other state.

Request for Kentucky Non-resident License –

- Kentucky will verify electronically through NAIC Producer Data Base, that the non-resident applicant is licensed and in good standing in the resident state.
- A non-resident individual or business entity, which has a Kentucky non-resident license and changes its home state, must file Record Correction **Form 8303**.

Request for Kentucky Resident License –

- Kentucky will verify electronically through NAIC Producer Data Base, that the non-resident applicant is no longer licensed in the other state.

Purchase of Kentucky Insurance Code – Because there is so much involved in the licensing and the legal requirements imposed on a licensee, the Department of Insurance suggests that every licensee get a copy of *Kentucky Insurance Laws and Regulations*. This Kentucky insurance code can be purchased for \$53.00 through the Department of Insurance. It will provide a better understanding of Kentucky insurance laws and procedures. In the alternative, the licensee may access Kentucky's insurance laws and administrative regulations through the Legislative Research Commission Web site at www.lrc.ky.gov under "Legislative Resources."

Forms and Additional Information – Kentucky-specific applications and most other forms for all licensees are available through the Department's Web site at <http://insurance.ky.gov> under the "Agent Licensing" section of the menu titled "Licensee Procedures, Forms and Information." Also visit this Web site for additional information on all types of licenses, as well as verification of license status, continuing education credit, appointment, designations with business entities, etc. The Licensing Division is also available to provide information and answer questions through its e-mail address at DOI.AgentLicensingMail@ky.gov or by telephone at 502-564-6004.

The NAIC uniform applications, for electronic filing or paper, may be obtained through NIPR Web site address at www.nipr.com.

BUSINESS ENTITY RESIDENT AGENT

A business entity acting as an agent, including receiving commissions directly or indirectly, is required to obtain an agent license. Application must be made on the business entity license application prescribed by the commissioner.

QUALIFICATIONS – To be licensed as an agent, the Department must determine that the applicant has met the following requirements.

- Each officer, director, and member of the business entity who is acting as an agent has obtained a Kentucky agent's license and appointment with an insurer;
- The business entity has disclosed to the Department of Insurance the identity of all officers and directors and whether or not they are licensed as agents;
- The business entity has designated a licensed and appointed individual agent responsible for the business entity's compliance with the insurance laws and regulations of Kentucky;
- The business entity has filed with the Department, the designation of each individual authorized to act under the business entity license; and
- The business entity has paid the nonrefundable fees set forth in KRS 304.4-010

APPLICATION – The applicant is required to certify under penalty of perjury that the application for the license is true. Further, the Department of Insurance must receive the following to process the business entity's application.

- ☐ Business Entity License Application – **Form 8301-BE** or NAIC Uniform Business Entity Application (completed in its entirety and attaching the appropriate information)
- ☐ List of all designated individuals to act under business entity license (each individual must have a license and insurer appointment for each line of authority he or she will exercise for the business entity)
- ☐ For each individual to act under business entity license
 - Individual License Application (with required attachments) – **Form 8301** or **NAIC Uniform Individual Application**, or
 - Identification number for Kentucky agent license
- ☐ If applying for **Variable Life and Variable Annuity** line of authority
 - CRD number (NASD Individual Central Registration Depository Number as proof of successful completion of SEC requirements)
 - Identification number for Kentucky agent license with life line of authority
- ☐ Document demonstrating authority to do business in Kentucky, as applicable:
 - General Partnership
 - Partnership Agreement
 - Limited Partnership
 - Certificate of Formation from Kentucky Secretary of State
 - Corporation and Limited Liability Company
 - Certificate of Existence from Kentucky Secretary of State
- ☐ If using assumed name, copies of Certificate of Assumed Name filed with Kentucky Secretary of State (www.sos.ky.gov) and each Kentucky County Clerk where the applicant intends to transact business
- ☐ All applicable non-refundable fees

FEES – The license fee for the resident business entity applicant is \$100 for the agent license plus an additional \$100 for each line of authority.

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY – N/A

APPOINTMENT – In order to exercise the license, the agent, individual or business entity must obtain at least one appointment with an admitted insurer for that line of authority in order to transact business in that particular line of authority. Prior to appointment, the insurer must confirm through investigation that the named applicant has not been convicted of any felony offense involving dishonesty or a breach of trust and has not been convicted of a fraudulent insurance act, unless the applicant has received written consent from the commissioner. The agent may get appointments with additional insurers at any time the insurer files with the Department of Insurance

- Appointment – **Form 8302-AP**; and
- Applicable nonrefundable fees, if any.

No agent shall claim to be an agent or representative of, or imply a contractual relationship with, a particular insurer, or place applications for insurance with an insurer unless the agent becomes an appointed agent of the insurer and the agent's appointment has been approved. An agent may become licensed but may not exercise the license by selling, soliciting, or negotiating insurance until he or she has been appointed.

Appointment fees for each foreign or alien insurer as well as each health maintenance organization, limited health service organization, fraternal benefit society, or KRS Chapter 304 Subtitle 32 Corporation represented, are

- Property, personal lines, and casualty lines of authority of agent, \$100;
- Life, health, and variable life and variable annuity lines of authority of agent, \$100; and
- All other lines of authority of agent, \$100 each.

(The fee for a bundle of lines of authority is \$100, **only if** the lines of authority are applied for at the same time on the same appointment form.)

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list from the Department, in a format prescribed by the commissioner, showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list from the Department in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 corporations; and
- Even-numbered years for all other insurers.

AGENT REPRESENTATIVE – A licensed agent may act as a representative of an insurer without being appointed for 15 days from the date the first insurance policy application is executed. Further, the agent representative must receive acknowledgement of approval of appointment within 15 days from the date the first insurance policy application is executed; otherwise, the agent must discontinue acting as an agent for that insurer until the approval has been received.

ADDITIONAL LINES OF AUTHORITY – Once licensed, the licensee may add additional lines of authority by repeating the application process for the new line of authority, including submitting a new application with all required attachments, fulfilling all relevant requirements, and paying all applicable fees.

LICENSE RENEWAL – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation, confirms certain other information in the Department's records, and pays the renewal fee as follows:

- Resident business entity \$100
- Non-resident business entity \$120

The renewal invoice and the payment of the license renewal fee stated on the renewal invoice are due from the business entity licensee **by March 31 in**

- Odd-numbered years for a business entity licensed in an odd-numbered year, and
- Even-numbered years for a business entity licensed in an even-numbered year.

(At least 30 days before the renewal deadline, the Department will send the licensee the renewal invoice containing all of the information that must be confirmed as well as the amount of the renewal fee due.)

License is renewed online.

- **Invoice is mailed** to the current address of record filed with the Department of Insurance and posted to the Web site simultaneously.
- **Confirmation** of renewal information is on our Web site at <http://insurance.ky.gov>. Click on eServices in the top right corner.
- **Renewal Period** is based solely on the license date.
- **Renewal Deadline** - License must be renewed no later than March 31 in even numbered years if licensed in an even year, or odd numbered years if licensed in an odd year.

Individual license renewal is solely the responsibility of the licensee. **Each licensee must:**

- **Renew online and pay** any required non-refundable license renewals fees.

The licensee can check the Department's Web site to confirm that the license has been renewed.

License is continuous and a new license certificate will not be issued at renewal.

The licensee may check the Department's Web site to confirm that the Department has received the renewal invoice and any required renewal fees.

Failure to Renew License by Deadline – If the licensee does not comply with license renewal requirements by the deadline, the license will be automatically terminated as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee renews the license online, pays the **late renewal penalty payment**, and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days, the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the date the license is reinstated.

CONTINUING EDUCATION – N/A

BUSINESS ENTITY NON-RESIDENT AGENT

Non-residents may be licensed as agents in Kentucky by submitting the appropriate application and meeting the applicable requirements

- For reciprocity under KRS 304.9-140 if the applicant holds an agent license with the same or substantially similar lines of authority in a reciprocal state; OR
- For a resident if the applicant is not licensed as an agent in a reciprocal state or if Kentucky is the home state. (See the requirements in the information summary concerning the resident agent licensing requirements.)

QUALIFICATIONS for RECIPROCITY (KRS 304.9-140) – unless denied a license under KRS 304.9-440, the non-resident applying for an agent license must

- Hold an agent license (with the same lines of authority being requested in Kentucky) as a resident in the home state and be in good standing;
- Hold the resident license from a home state that awards non-resident licenses to Kentucky residents on the same basis;
- Submit the proper request for license; and
- Pay the applicable fees.

APPLICATION – The applicant is required to certify, under penalty of perjury, that the application for the license is true. The applicant may be issued a license once he or she meets the qualifications of KRS 304.9-140. Certain business entities cannot exercise the license without authority from the Kentucky Secretary of State to conduct business in Kentucky. You may contact the Secretary of State's Office at www.sos.ky.gov. Plus, a business entity can only exercise its license through individuals, whose activity on behalf of the business entity will trigger the requirement that the individual hold the same license. Therefore, to streamline the process and allow the applicant to exercise the license upon issuance of the license and receipt of appropriate appointments, the Department must receive the following:

- ☐ **NAIC Uniform Non-resident Business Entity Application** (completed in its entirety and attaching the appropriate information). Or, complete online and submit the additional requested information.
 - ☐ Verification of licensure through the NAIC Producer Data Base or a letter of certification from the resident state
 - ☐ List of all designated individuals who will act under the business entity license (with exception of the 1st designated individual, any subsequent individuals who are designated must have an active license and insurer appointment (see Appointment) for each line of authority he or she will exercise for the business entity)
 - ☐ For each individual to act under the business entity license
 - Individual License Application (with required attachments) – **Form 8301** or **NAIC Uniform Individual Application**, or
 - Identification number for Kentucky agent license
 - ☐ Document demonstrating authority to do business in Kentucky, as applicable
 - General Partnership
 - Partnership Agreement
 - Limited Partnership
 - Certificate of Registration from Kentucky Secretary of State
 - Corporation or Limited Liability Company
 - Certificate of Authorization from Kentucky Secretary of State
- The Certificate of Authority is no longer a pre-requisite to licensure; however, the entity should follow-up with the Kentucky Secretary of State to ensure compliance with Kentucky Laws.**
- ☐ If using assumed name, copies of Certificate of Assumed Name filed with Kentucky Secretary of State (www.sos.ky.gov) and each Kentucky County Clerk where the applicant intends to transact business
 - ☐ All applicable non-refundable fees

FEES – The license fee for the non-resident business entity applicant is \$120 for the agent license plus an additional \$120 for each line of authority.

ADDITIONAL LINES OF AUTHORITY –

- **Held in Home State** – Once the licensee has a non-resident agent license through reciprocity, the agent may add other lines of authority by repeating the non-resident application process if the new lines of authority are included in the home state license.
- **Not Held in Home State** – If the new lines of authority are not included in the home state license, the agent will have to qualify for the new lines of authority like a Kentucky resident. (See the information summary concerning the resident agent for details.)

PRELICENSING TRAINING – N/A

EXAMINATION – N/A

FINANCIAL RESPONSIBILITY – N/A

APPOINTMENT – In order to exercise the license, the agent must obtain **at least one appointment** with an admitted insurer for that line of authority in order to write or do business

in that particular line of authority. Further, the agent may get appointments with additional insurers at any time that the insurer files with the Department of Insurance

- Appointment – **Form 8302-AP**; and
- Applicable fees, if any.

Appointment fees for each foreign or alien insurer as well as each health maintenance organization, limited health service organization, fraternal benefit society, or KRS Chapter 304 Subtitle 32 Corporation represented, are

- Property, Personal Lines, and Casualty lines of authority of agent, \$120;
- Life, Health, and Variable Life and Variable Annuity lines of authority of agent, \$120; and
- All other lines of authority of agent, \$120 each.

(The fee for a bundle of lines of authority is \$120 only if the lines of authority are applied for at the same time on the same appointment form.)

AGENT REPRESENTATIVE – A licensed agent may act as a representative of an insurer without being appointed for 15 days from the date the first insurance policy application is executed. Further, the agent representative must receive acknowledgement of approval of appointment within 15 days from the date the first insurance policy application is executed; otherwise, the agent must discontinue acting as an agent for that insurer until the approval has been received.

APPOINTMENT RENEWAL – Appointments are renewed biennially by March 31 through appointing insurers. Each insurer receives a list from the Department, in a format prescribed by the commissioner, showing all agents with active appointments as of December 31 of the preceding calendar year. (The insurer is responsible for terminating any appointment prior to December 31 if the insurer does not want to pay the renewal fee for that agent. Further, the insurer must give written notice to any agent who is terminated or who is not renewed within 30 days of the termination or non-renewal.) The insurer must pay the appointment renewal fee no later than March 31 for each agent on the list sent by the Department in

- Odd-numbered years for life and health insurers, including health maintenance organizations, limited health service organizations, fraternal benefit societies, and Subtitle 32 Corporations; and
- Even-numbered years for all other insurers.

LICENSE RENEWAL – The license continues in force until expired, suspended, revoked, or otherwise terminated if the licensee makes a written request for continuation, confirms certain other information in the Department's records, and pays the renewal fee as follows:

- Resident business entity \$100
- Non-resident business entity \$120

The renewal invoice and the payment of the license renewal fee stated on the renewal invoice are due from the business entity licensee **by March 31 in**

- Odd-numbered years for a business entity licensed in an odd-numbered year, and
- Even-numbered years for a business entity licensed in an even-numbered year.

(At least 30 days before the renewal deadline, the Department will send the licensee the renewal invoice containing all of the information that must be confirmed as well as the amount of the

renewal fee due.)

License is renewed online.

- **CE and/or renewal notice is mailed** to the current address of record filed with the Department at least 30 days before the renewal deadline, and posted to the Web site simultaneously.
- Renew online at <https://www.nipr.com> or <http://insurance.ky.gov>
- **Confirmation** of renewal information is available on our Web site at <http://insurance.ky.gov> on eServices in the top right corner.
- **Renewal period** is based solely on the licensee's birth date. Licensees must initially be licensed for one full year, and then are subject to renewal.
- **Renewal deadline** is no later than the last day of the birth month in even numbered years if born in an even year, or odd numbered years if born in an odd year.

License is renewed online.

- **Invoice is mailed** to the current address of record filed with the Department of Insurance and posted to the Web site simultaneously.
- **Confirmation** of renewal information is on our Web site at <http://insurance.ky.gov>. Click on eServices in the top right corner.
- **Renewal period** is based solely on the license date.
- **Renewal deadline** - License must be renewed no later than March 31 in even numbered year if licensed in an even year, or odd numbered years if licensed in an odd year.

Individual license renewal is solely the responsibility of the licensee. **Each licensee must:**

- **Renew online and pay** any required non-refundable license renewals fees.

The licensee can check the Department's Web site to confirm that the license has been renewed.

Failure to Renew License by Deadline – If the licensee does not comply with the license renewal requirements by the deadline, the license will be automatically terminated as of the deadline. The licensee will be prohibited from transacting insurance business until the license is reissued.

However, if the licensee renews the license online, pays the **late renewal penalty payment** and any required renewal fees within 60 days after the deadline, the license may be reissued without the need for a new license application or other documentation. Upon expiration of the 60 days the license will be inactive. Note that there will be a gap in the license (and any appointments) from the inactive date until the license is reinstated.

CONTINUING EDUCATION – N/A

AGENT LICENSING DIVISION
GUIDELINES FOR PROCESSING LICENSING APPLICATIONS WITH
NEGATIVE BACKGROUND INFORMATION
APPROVAL / DENIAL/PROBATION

Initial Application

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, or are you currently charged with committing a crime?

Yes____ No____

“Crime” includes a misdemeanor, felony or a military offense. You may exclude misdemeanor traffic citations or convictions involving driving under the influence (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license and juvenile offenses. “Convicted” includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, or having been given probation, a suspended sentence or a fine.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a copy of the charging document, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

If you have a felony conviction, have you applied for a waiver as required by 18 USC 1033?

N/A__ Yes __ No__

If so, was that waiver granted? (Attach copy of 1033 waiver approved by home state.)

N/A__ Yes__ No__

Renewal Application

1. Since the last home state renewal, have you been convicted of, or are you currently charged with, committing a crime, whether or not adjudication was withheld? Yes__ No__

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. When all documentation is complete, the application goes to “review.” Details on what exactly is needed are as follows:

- a written statement explaining the circumstances of each incident (Must be VERY detailed – complete explanation – not just three or four sentences.)
- a copy of the charging document (police citation, indictment, warrant, or other court document you received when charges were made).
- a copy of the official document which demonstrates the resolution of the charges or any final judgment (Court document showing final judgment of conviction, diversion agreement, or final court order signed by judge.
- If these documents are no longer available from the court office, then a letter must be submitted from that court office stating they have been destroyed, OR a computer printout from the court office that is “certified” by a court employee may be submitted in lieu of the original documents.

Initial Application

2. Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of limited liability company ever been involved in an administrative proceeding regarding any professional or occupational license, or registration?

Yes_____ No_____

Renewal Application

2. Since the last home state renewal, have you or any business in which you are or were an owner, partner, officer, or director ever been involved in an administrative proceeding regarding any professional or occupational license?

“Involved” means having a license censured, suspended, revoked, canceled, terminated; or being assessed a fine, a cease and desist order, a prohibition order, a compliance order, placed on probation or surrendering a license to resolve an administrative action. “Involved” also means being named as a party to an administrative or arbitration proceeding which is related to a professional or occupational license. “Involved” also means having a license application denied or the act of withdrawing an application to avoid a denial. You may **EXCLUDE** terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment. (consent decree, agreed order, stipulation agreement, or letter from state issuing penalty)

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After receiving all attachments, the application goes to “review.”

Initial Application

3. Has any demand been made or judgment rendered against you or any business in which you are or were an owner, partner, officer, or director, or member or manager of a limited liability company, for overdue monies by an insurer, insured or producer, or have you ever been subject to a bankruptcy proceeding? **Do not include personal bankruptcies, unless they involve funds held on behalf of others.** Yes_____ No_____

If you answer yes, submit a statement summarizing the details of the indebtedness and arrangements for repayment, and/or type, date, and location of bankruptcy.

Agent Licensing reviews all documentation on demand, judgment, or bankruptcy. The applicant is contacted if additional documentation is required for determination. If there is a bankruptcy other than personal, Agent Licensing requests that the “Discharge of Debtor” is attached to application with a brief explanation of reason for bankruptcy. Also, if the bankruptcy happened within the last 2 years, a list of creditors must be supplied. Agent Licensing accepts faxed copies.

- **NOTE relative bankruptcies:**

- Do not include personal debt such as credit cards, mortgages, hospital bills, automobile debts.
- This answer requires that you reveal business bankruptcies.

4. Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? Yes _____
No _____

If you answer yes, identify the jurisdiction(s): _____

According to KRS 304.9-440 (1)(o) and other applicable state law, the Department denies any applicant who has delinquent tax obligation that is not the subject of a repayment agreement in Kentucky. However, we will keep the application in a pending status for an extended period of time to allow applicant to contact Kentucky Revenue Cabinet and set up a repayment agreement. It may be necessary to issue an agreed order of probation for the same period of time it takes to repay the obligation to the State. Once the agreed order is signed by the applicant and the commissioner, the application will be processed.

Initial Application

5. Are you currently a party to, or have you ever been found liable in, any lawsuit, arbitration, or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty? Yes _____ No _____

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident, (*Written statement giving full details of each incident involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty.*)
- b) a copy of the petition, complaint or other document that commenced the lawsuit or arbitration, or mediation and
- c) a copy of the official document which demonstrates the resolution of the charges or any final judgment.

Agent Licensing checks to make sure all three of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to “review.”

Initial Application

6. Have you or any business in which you are or were an owner, partner, officer or director, or member or manager of a limited liability company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? Yes _____ No _____

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving an insurance license, and
- b) copies of all relevant documents.

Agent Licensing checks to make sure all of the above-mentioned requests are attached to the application. If not, Agent Licensing writes back to the applicant to obtain these records. After all documentation is received, application goes to “review.”

Initial Application

7. Do you have a child support obligation in arrearage? Yes _____ No _____

If you answer yes,

- a) by how many months are you in arrearage?**
- b) are you currently subject to and in compliance with any repayment agreement?**
- c) Are you the subject of a child support related subpoena warrant?**
(If you answered yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.)

Agent Licensing requires applicant to submit official documentation showing that child support payments are being made. This may be a computer printout from court-ordered overseer of the account, or a copy of pay stubs showing automatic withdrawal of child support payments.

NOTES:

- Our primary goal is to process application without infractions and applications with legal background infractions that are not serious within one to two business days. The Division's business history indicates that most documents can be successfully processed within that timeframe.
- Any time a background infraction is disclosed, the review may require additional days to process. Based on the charges, the application may be pending review for several weeks, even several months. Occasionally, it is necessary to contact other attorneys or court offices to obtain all the information we need to make a fair judgment.
- A decision for application is never made by discussing background infractions by phone prior to application. All background infractions are reviewed individually, on a case-by-case basis.